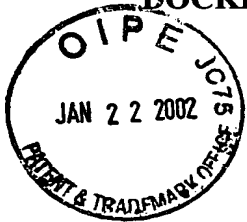


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DOCKET NO.: PHRM-0041 (6195.NCN1)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Marotti, Poorman, Wells and Shinabarger

Serial No.: 09/322,732

Group No.: 1653

Filing Date: May 28, 1999

Examiner: H. Robinson

For: ELONGATION FACTOR P (EFP) AND ASSAYS AND ANTIMICROBIAL
TREATMENTS RELATED TO THE SAME

01/23/2002 SSESHE1 00000094 09322732

01 FC:117 920.00 OP
02 FC:119 320.00 OP

DATE OF DEPOSIT: December 28, 2001

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Paul K. Legaard

REGISTRATION NO.: 38,534

BOX AF

Assistant Commissioner for Patents
Washington DC 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **June 29, 2001** finally rejecting claims **1-8, 15-18, 140 and 141** of the above-identified patent application.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization

2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

	SMALL ENTITY		NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$0.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$0.00
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$920	\$920.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$0.00
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$0.00
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$160	\$	\$320	\$320.00
TOTAL FEE DUE				\$1240.00

3. FEE PAYMENT

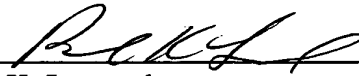
- ☒ A check in the amount of \$ 1240.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$__. A duplicate of this transmittal is attached.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing

DOCKET NO.: PHRM-0041 (6195.NCN1)- 3 -

PATENT

or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

Date: 28 DECEMBER 2001


Paul K. Legaard
Registration No. 38,534

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